

HOUSE BILL No. 2765

By Committee on Federal and State Affairs

3-5

1 AN ACT concerning public safety; relating to safety standards for
2 elevators and other conveyances, licensure requirements thereof, duties
3 of the state fire marshal; establishing the elevator safety advisory
4 board; establishing the elevator safety fee fund; enacting the elevator
5 safety act.

6
7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. Sections 1 through 23, and amendments thereto, shall be
9 known and may be cited as the elevator safety act.

10 Sec. 2. As used in this act:

11 (a) "Act" means the elevator safety act.

12 (b) "ANSI" means the American national standards institute.

13 (c) "ASCE 21" means the American society of civil engineers'
14 automated people mover standards in effect on the effective date of this
15 act, or amendments to or revisions thereof, if adopted in rules and
16 regulations by the state fire marshal as provided in this act.

17 (d) "ASME A17.1" means the American society of mechanical
18 engineers' safety code for elevators and escalators in effect on the effective
19 date of this act, or amendments to or revisions thereof, if adopted in rules
20 and regulations by the state fire marshal as provided in this act.

21 (e) "ASME A17.3" means the American society of mechanical
22 engineers' safety code for existing elevators and escalators in effect on the
23 effective date of this act, or amendments to or revisions thereof, if adopted
24 in rules and regulations by the state fire marshal as provided in this act.

25 (f) "ASME A18.1" means the American society of mechanical
26 engineers' safety standards for platform lifts and stairway chairlifts in
27 effect on the effective date of this act, or amendments to or revisions
28 thereof, if adopted in rules and regulations by the state fire marshal as
29 provided in this act.

30 (g) "ASME QEI-1" means the American society of mechanical
31 engineers' standards for the qualification of elevator inspectors in effect on
32 the effective date of this act, or amendments to or revisions thereof, if
33 adopted in rules and regulations by the state fire marshal as provided in
34 this act.

35 (h) "Automated people mover" means an installation defined as an
36 "automated people mover" in ASCE 21.

1 (i) "Board" means the elevator safety advisory board.

2 (j) "Certificate of operation" means a document issued by the state
3 fire marshal that indicates that the conveyance has had the required safety
4 inspections and fees have been paid as set by the state fire marshal.

5 (k) "Code" means the standards established by the state fire marshal
6 by rules and regulations based upon the safety code for elevators, ASME
7 A17.1; the safety code for existing elevators and escalators, ASME A17.3;
8 the safety standards for platform lifts and stairway chairlifts, ASME
9 A18.1; the standards for the qualification of elevator inspectors, ASME
10 QEI-1; and the automated people mover standards, ASCE 21.

11 (l) "Conveyance" or "conveyance equipment" means any elevator,
12 dumbwaiter, escalator, moving sidewalk, platform lifts, stairway chairlifts
13 or automated guided transit vehicles on guideways with an exclusive right-
14 of-way, including, but not limited to, automated people movers.
15 "Conveyance" or "conveyance equipment" includes all associated parts
16 and the hoistway of the conveyance.

17 (m) "Elevator" means an installation defined as an "elevator" in
18 ASME A17.1.

19 (n) "Elevator apprentice" and "elevator helper" means a person who
20 works under the general direction of a licensed elevator mechanic.

21 (o) "Elevator contractor" means any sole proprietor, firm, partnership,
22 corporation or association that is engaged in the business of erecting,
23 constructing, installing, altering, servicing, repairing or maintaining
24 conveyances covered by this act.

25 (p) "Elevator inspector" means an ASME QEI-1 certified elevator
26 inspector who has proven such elevator inspector's qualifications to engage
27 in the business of inspecting conveyances covered by this act.

28 (q) "Elevator mechanic" means an individual who has proven such
29 individual's qualifications and ability to engage in erecting, constructing,
30 installing, altering, servicing, repairing or maintaining elevators or other
31 conveyances covered by this act.

32 (r) "Escalator" means an installation defined as an "escalator" in the
33 ASME A17.1.

34 (s) "Existing installation" means an installation as defined as an
35 "installation, existing" in ASME A17.3.

36 (t) "Licensee" means a licensed elevator contractor, elevator inspector
37 or elevator mechanic.

38 (u) "Material alteration" means "alteration" as defined in the code.

39 (v) "Moving walk" means an installation defined as a "moving walk"
40 in ASME A17.1.

41 (w) "Private residence" means a separate dwelling or a separate
42 apartment or condominium in a multiple dwelling that is occupied by
43 members of a single-family unit.

1 (x) "Repair" means "repair" as defined in the code.

2 All other building transportation terms pertaining to conveyances shall
3 have the meaning as defined by ASME A17.1 and ASME A18.1.

4 Sec. 3. (a) This act governs the design, construction, operation,
5 inspection, testing, maintenance, alteration and repair of the following
6 conveyance equipment:

7 (1) Hoisting and lowering mechanisms equipped with a car or
8 platform that move between two or more landings. This equipment
9 includes, but is not limited to, the following:

10 (A) Elevators; and

11 (B) platform lifts and stairway chairlifts;

12 (2) power driven stairways and walkways for carrying persons
13 between landings. This equipment includes, but is not limited to, the
14 following:

15 (A) Escalators; and

16 (B) moving walks;

17 (3) hoisting and lowering mechanisms equipped with a car, that
18 serves two or more landings and is restricted to the carrying of material by
19 its limited size or limited access to the car. This equipment includes, but is
20 not limited to, the following:

21 (A) Dumbwaiters; and

22 (B) material lifts and dumbwaiters with automatic transfer devices;
23 and

24 (4) automated guided transit vehicles on guideways with an exclusive
25 right-of-way. This equipment includes, but is not limited to, automated
26 people movers.

27 (b) The following conveyance equipment is not covered by this act:

28 (1) Material hoists within the scope of ANSI standard A10.5 as in
29 effect on the effective date of this act;

30 (2) manlifts within the scope of ASME A90.1 as in effect on the
31 effective date of this act;

32 (3) mobile scaffolds, towers and platforms within the scope of ANSI
33 A92 as in effect on the effective date of this act;

34 (4) powered platforms and equipment for exterior and interior
35 maintenance within the scope of ANSI 120.1 as in effect on the effective
36 date of this act;

37 (5) conveyors and related equipment within the scope of ASME
38 B20.1 as in effect on the effective date of this act;

39 (6) cranes, derricks, hoists, hooks, jacks and slings within the scope
40 of ASME B30 as in effect on the effective date of this act;

41 (7) industrial trucks within the scope of ASME B56 as in effect on the
42 effective date of this act;

43 (8) portable equipment, except for portable escalators covered by

1 ANSI A17.1;

2 (9) tiering or piling machines used to move materials to and from
3 storage located and operating entirely within one story of a building or
4 other structure;

5 (10) equipment for feeding or positioning materials, including, but
6 not limited to, machine tools and printing presses;

7 (11) skip or furnace hoists;

8 (12) wharf ramps;

9 (13) railroad car lifts or dumpers;

10 (14) grain elevators;

11 (15) line jacks, false cars, shafters, moving platforms and similar
12 equipment used for installing an elevator by an elevator contractor or
13 elevator mechanic licensed in this state as provided by this act; or

14 (16) conveyances under the control of the United States government.

15 (c) The provisions of this act are not retroactive unless otherwise
16 stated, and conveyances and conveyance equipment shall be required to
17 comply with the applicable code at the date of their installation or within
18 six months after July 1, 2019, as provided in sections 17 and 20, and
19 amendments thereto, or within such additional period as determined by the
20 state fire marshal upon a finding that good cause has been shown and no
21 harm to the public shall result from the delay. If upon the inspection of any
22 conveyance covered by this act, the conveyance is found to be in a
23 dangerous condition or there is an immediate hazard to those riding or
24 using such equipment or if the design or the method of operation in
25 combination with the conveyance equipment used is considered inherently
26 dangerous in the opinion of the state fire marshal, the state fire marshal
27 shall notify the owner or lessee of such condition and shall order such
28 alterations or additions as may be deemed necessary to eliminate the
29 dangerous condition and may issue such other orders as provided by this
30 act.

31 Sec. 4. No city or county shall have the power to make any laws,
32 ordinances or resolutions providing for the construction, installation,
33 operation, inspection, maintenance and repair of conveyances covered by
34 this act after the effective date of this act, within the limits of such city or
35 county, and any such laws, ordinances or resolutions made or passed after
36 the effective date of this act shall be void, except that a city or county may
37 make such an ordinance or resolution, or such ordinance or resolution may
38 continue in effect if such ordinance or resolution regulates more strictly or
39 sets higher standards or safety requirements than required by this act or the
40 rules and regulations adopted by the state fire marshal pursuant to this act.
41 This act shall not be construed so as to preempt a city or county from
42 adopting or continuing requirements or standards that are more stringent
43 than those of this act or the code.

1 Sec. 5. (a) No individual shall erect, construct, alter, replace,
2 maintain, remove or dismantle any conveyance contained within buildings
3 or other structures in this state unless such individual is a licensed elevator
4 mechanic and such individual is working under the direct supervision of a
5 licensed elevator contractor. No individual shall wire any conveyance,
6 from the mainline feeder terminals on the controller, unless such individual
7 is a licensed elevator mechanic and such individual is working under the
8 direct supervision of a licensed elevator contractor. No other license shall
9 be required for the work described in this subsection. An elevator
10 mechanic's license or elevator contractor's license is not required for
11 removing or dismantling conveyances that are destroyed as a result of a
12 complete demolition of a secured building or structure or where the
13 hoistway or wellway is demolished back to the basic support structure
14 whereby no access is permitted therein to endanger the safety and welfare
15 of a person.

16 (b) No individual shall inspect any conveyance within buildings or
17 structures, including, but not limited to, private residences, unless such
18 individual is a licensed elevator inspector.

19 (c) Conveyances and conveyance equipment covered by this act shall
20 conform to the rules and regulations adopted by the state fire marshal as
21 provided by this act. No person, firm, partnership, corporation, association
22 or other entity shall erect, alter, replace, maintain, remove, dismantle or
23 operate any conveyance in this state or construct any conveyance for use
24 in this state in violation of this act or the rules and regulations adopted
25 hereunder by the state fire marshal. This act shall not be construed so as to
26 prevent the use, sale or reinstallation of a conveyance installed in this state
27 prior to the effective date of this act, provided such conveyance has been
28 made to conform to the rules and regulations adopted by the state fire
29 marshal and has not been found upon inspection to be in an unsafe
30 condition or in violation of the code.

31 Sec. 6. (a) There is hereby established the elevator safety advisory
32 board. The elevator safety advisory board shall consist of nine members,
33 one of whom shall be the state fire marshal or the state fire marshal's
34 designee, and one of whom shall be the secretary of administration or such
35 secretary's designee. The governor shall appoint the remaining seven
36 members of the board as follows:

37 (1) One representative from a major elevator manufacturing company
38 or its authorized representative;

39 (2) one representative from an elevator servicing company;

40 (3) one representative of the architectural design or elevator
41 consulting profession;

42 (4) one representative of the general public;

43 (5) one representative of a city or county in this state;

1 (6) one representative of a building owner or building manager; and
2 (7) one representative of labor involved in the installation,
3 maintenance and repair of elevators.

4 (b) The term of office of each member of the board appointed by the
5 governor under (a)(1) through (7) shall expire on June 30 of the third year
6 following the year of appointment. Upon the expiration of a term of office
7 of a member of the board appointed by the governor, the governor shall
8 appoint a qualified successor. Each member of the board appointed by the
9 governor shall serve until a successor is appointed and qualified.
10 Whenever a vacancy occurs among the membership of the board
11 appointed by the governor for any reason other than the expiration of a
12 member's term of office, the governor shall appoint a qualified successor
13 to fill the unexpired term. The members of the board shall serve without
14 compensation. The governor shall appoint one of the members to serve as
15 chairperson. The chairperson shall be the deciding vote in the event of a tie
16 vote.

17 (c) The board shall meet regularly once each month at a time and
18 place to be fixed by the board and at such times as the board deems
19 necessary for the consideration of code, rules and regulations, and for the
20 transaction of such other business as properly may come before the board.
21 Special meetings may be called as provided in the rules and regulations
22 adopted by the state fire marshal. Any appointed board member absent
23 from three consecutive meetings shall be dismissed.

24 (d) The members of the board who are not state officers or employees
25 and who are attending meetings of such committee, or attending a
26 subcommittee meeting thereof authorized by such committee, shall be paid
27 amounts provided in K.S.A. 75-3223(e), and amendments thereto.
28 Amounts paid under this subsection shall be from appropriations to the
29 office of state fire marshal upon warrants of the director of accounts and
30 reports issued pursuant to vouchers approved by the state fire marshal or a
31 person designated by the state fire marshal.

32 (e) The board is authorized to consult with private or public
33 engineering authorities and organizations concerned with standard safety
34 codes or rules and regulations governing the operation, maintenance,
35 servicing, construction, alteration, installation or inspection of
36 conveyances or the qualifications that are adequate, reasonable and
37 necessary for an elevator mechanic, elevator contractor or elevator
38 inspector.

39 (f) The board is authorized to recommend legislation to the legislature
40 and to recommend rules and regulations to the state fire marshal.

41 Sec. 7. (a) The state fire marshal shall adopt rules and regulations,
42 consistent with the provisions of this act, for the operation, maintenance,
43 servicing, construction, alteration, installation and inspection of equipment

1 or conveyances regulated by this act, standards to be applied in granting
2 waivers from such rules and regulations and the licensing requirements or
3 qualifications for elevator mechanics, elevator contractors or elevator
4 inspectors. Rules and regulations adopted by the state fire marshal shall be
5 based on and follow generally accepted nationwide engineering or safety
6 standards. Such rules and regulations shall include the incorporation by
7 reference of the following standards or national codes in effect on the
8 effective date of this act:

9 (1) The safety code for elevators and escalators, ASME A17.1;

10 (2) the safety code for existing elevators and escalators, ASME
11 A17.3;

12 (3) the safety standards for platform lifts and stairway chairlifts,
13 ASME A18.1;

14 (4) the standard for the qualification of elevator inspectors, ASME
15 QEI-1; and

16 (5) the standard for automated people movers, ASCE 21.

17 (b) The state fire marshal may propose rules and regulations to adopt
18 or incorporate by reference updated or revised editions or versions of such
19 standards or portions of such revised editions or versions of such
20 standards, if, within six months of the effective date of such updated or
21 revised editions or versions of such standards, the state fire marshal
22 submits such proposed rules and regulations to the secretary of
23 administration, as provided by K.S.A. 77-420, and amendments thereto.

24 (c) The state fire marshal shall have the authority to grant or deny
25 requests for exceptions and variances from the requirements of rules and
26 regulations adopted by the state fire marshal or from municipal or county
27 ordinances in cases where the state fire marshal finds such exception or
28 variance would not jeopardize the public safety and welfare and that the
29 request meets the applicable standards adopted by the state fire marshal for
30 granting such an exception or variance. The state fire marshal shall adopt
31 rules and regulations governing the process, procedure and fees for review
32 of such requests for exceptions and variances.

33 (d) The state fire marshal shall establish fee schedules for licenses,
34 permits, certificates, inspections and variance requests, except as otherwise
35 provided in this act. The fees shall reasonably reflect the state fire
36 marshal's actual costs and expenses to operate and to conduct its duties as
37 described in this act.

38 Sec. 8. There is hereby created the elevator safety fee fund. The state
39 fire marshal shall remit all moneys received from fees, charges or penalties
40 to the state treasurer in accordance with the provisions of K.S.A. 75-4215,
41 and amendments thereto. Upon receipt of each such remittance, the state
42 treasurer shall deposit the entire amount in the state treasury to the credit
43 of the elevator safety fee fund. All expenditures from the elevator safety

1 fee fund shall be made in accordance with appropriation acts upon
2 warrants of the director of accounts and reports issued pursuant to
3 vouchers approved by the state fire marshal or by a person or persons
4 designated by the state fire marshal.

5 Sec. 9. (a) (1) Any elevator contractor wishing to engage in the
6 business of the installation, alteration, service, replacement or maintenance
7 of conveyances covered under this act shall make application for an
8 elevator contractor's license with the state fire marshal on a form provided
9 by the state fire marshal and shall pay the elevator contractor initial
10 application fee set by the state fire marshal, which shall not exceed \$1,000.

11 (2) Any elevator mechanic wishing to engage in the installing,
12 altering, repairing or servicing of conveyances covered under this act shall
13 make application for an elevator mechanic's license on a form provided by
14 the state fire marshal and shall pay the elevator mechanic initial
15 application fee set by the state fire marshal, which shall not exceed \$500.

16 (3) Any elevator inspector wishing to engage in the business of
17 inspections of conveyances covered under this act shall make application
18 for an elevator inspector's license with the state fire marshal on a form
19 provided by the state fire marshal and shall pay the elevator inspector
20 initial application fee set by the state fire marshal, which shall not exceed
21 \$250.

22 (b) Applications submitted pursuant to subsection (a) shall contain
23 the following information:

24 (1) If an individual or sole proprietor, the name, residence and
25 business address of the applicant;

26 (2) if a partnership, the name, residence and business address of each
27 partner;

28 (3) if a domestic corporation, the name and business address of the
29 corporation and the name and residence address of the principal officer of
30 such corporation; if a foreign corporation, the name and address of its
31 designated agent located within this state, who shall be authorized to
32 accept service of process and official notices;

33 (4) the number of years the applicant has engaged in the business of
34 installing, inspecting or maintaining or servicing specified conveyances;

35 (5) the approximate number of individuals, if any, to be employed by
36 an elevator contractor applicant and, if applicable, satisfactory evidence
37 that the employees are or will be covered by workers' compensation
38 insurance;

39 (6) satisfactory evidence that the applicant is or will be covered by
40 general liability, personal injury and property damage insurance in
41 accordance with section 10, and amendments thereto;

42 (7) for elevator mechanics and elevator inspectors, a criminal record
43 of convictions, if any, as verified by the Kansas bureau of investigation.

1 The applicant shall bear the cost of obtaining such verified criminal
2 record; and

3 (8) such other information as may be required in rules and regulations
4 adopted by the state fire marshal.

5 (c) Any changes to information required by this section shall be
6 promptly reported to the state fire marshal by the applicant.

7 (d) (1) No elevator contractor's license shall be issued to any sole
8 proprietor, firm, partnership, corporation or association that has not
9 demonstrated the requisite qualifications and abilities required by this act
10 and the code to the satisfaction of the state fire marshal. Applicants for an
11 elevator contractor's license must demonstrate that they have in their
12 employ a licensed elevator mechanic or mechanics that perform work
13 described in section 5, and amendments thereto, and must have proof of
14 compliance with the insurance requirements set forth in sections 10, and
15 amendments thereto.

16 (2) An elevator contractor's license may be issued, upon application,
17 to a sole proprietor, firm, partnership, association or corporation holding a
18 valid license from a state having standards substantially equal to those of
19 this act and the code.

20 (e) No elevator mechanic's license shall be issued to any individual
21 who has not demonstrated the requisite qualifications and abilities required
22 by this act and the code to the satisfaction of the state fire marshal.
23 Applicants for an elevator mechanic's license must demonstrate an
24 acceptable combination of documented experience and education as
25 follows:

26 (A) Not less than four years' work experience in the elevator industry,
27 in construction, maintenance or service or repair, or any combination
28 thereof, as verified by current and previous employers licensed to do
29 business in this state, but need not be elevator contractors licensed
30 pursuant to this act; and

31 (B) satisfactory completion of a written examination developed and
32 administered by the state fire marshal.

33 (2) Any individual who furnishes the state fire marshal with
34 acceptable proof that they have worked as an elevator constructor,
35 maintenance or repair person as described in this paragraph, upon making
36 application for a license and paying the applicable license fee, shall be
37 entitled to receive a license without an examination. Such individual shall
38 have performed the duties of a licensed elevator mechanic for an elevator
39 contractor that has received a license pursuant to this act, without requiring
40 direct and immediate supervision by another, for a period not less than
41 three years immediately preceding the effective date of this act. The
42 individual must make application within one year of the effective date of
43 this act.

1 (3) Except as otherwise provided in paragraph (4), all applicants shall
 2 provide proof of:

3 (A) A certificate showing successful completion of the mechanic's
 4 examination of a nationally recognized training program for the elevator
 5 industry, such as the national elevator industry educational program or its
 6 equivalent; or

7 (B) a certificate of completion of a four-year apprenticeship program
 8 for elevator mechanics, having standards substantially equal to those of
 9 this act and the code and registered with the bureau of apprenticeship and
 10 training, United States department of labor or a state apprenticeship
 11 council.

12 (4) The examination, experience or education requirements of this
 13 section may be waived for an applicant holding a valid license from a state
 14 having licensing standards determined by the state fire marshal to be
 15 substantially equal to or greater than those of this act and the code.

16 (f) No elevator inspector's license shall be issued to any individual,
 17 unless the individual demonstrates to the satisfaction of the state fire
 18 marshal that such individual meets the qualifications required by the code
 19 for elevator inspectors.

20 (g) An elevator apprentice or elevator helper is not required to be
 21 licensed.

22 Sec. 10. (a) Elevator contractors shall submit proof to the state fire
 23 marshal of a current insurance policy issued by an insurance company
 24 authorized to do business in this state that provides general liability
 25 coverage of at least \$1,000,000 for injury or death of any number of
 26 persons in any one occurrence, with coverage of at least \$500,000 for
 27 property damage in any one occurrence and proof of workers
 28 compensation insurance coverage as required by Kansas law.

29 (b) Elevator inspectors, not employed by an agency, county or
 30 municipality, shall submit to the state fire marshal proof of a current
 31 insurance policy issued by an insurance company authorized to do
 32 business in this state that provides general liability coverage of at least
 33 \$1,000,000 for injury or death of any number of persons in any one
 34 occurrence, with coverage of at least \$500,000 for property damage in any
 35 one occurrence and proof of statutory workers compensation insurance
 36 coverage.

37 (c) Proof of such policies shall be delivered to the state fire marshal
 38 before or at the time of the issuance of a license. In the event of any
 39 material alteration of or cancellation of any policy, at least 10 days' notice
 40 shall be given to the state fire marshal.

41 Sec. 11. Upon the state fire marshal's approval of an application as
 42 having met the requirements of this act and the applicable rules and
 43 regulations, the state fire marshal shall issue a license. Such license shall

1 be valid for a period of two years and be renewable biennially. A fee
2 schedule for license renewals shall be set by the state fire marshal, except
3 that such fees shall not exceed the fees charged for initial applications for
4 the respective licenses.

5 Sec. 12. (a) Whenever the state fire marshal determines an emergency
6 exists in the state due to a disaster, an act of God or work stoppage and the
7 number of persons in the state holding elevator mechanic's licenses
8 granted by the state fire marshal is determined by the state fire marshal to
9 be insufficient to cope with the emergency, elevator contractors may
10 respond as necessary to assure the safety of the public as directed by the
11 state fire marshal. Any individual certified by a licensed elevator
12 contractor to have an acceptable combination of documented experience
13 and education to perform elevator work without the direct and immediate
14 supervision of another shall seek an emergency elevator mechanic's license
15 from the state fire marshal within five business days after commencing
16 work requiring such license. The state fire marshal shall issue emergency
17 elevator mechanic's licenses if the state fire marshal finds that the
18 requirements for emergency elevator mechanic's licenses, as adopted in
19 rules and regulations by the state fire marshal, have been met. The elevator
20 contractor or applicant shall furnish such proof of competency as the state
21 fire marshal may require. Each such license shall recite that it is valid for
22 a period of 60 days from the date issued by the state fire marshal and for
23 such particular elevators or geographical areas as the state fire marshal
24 may designate and otherwise shall entitle the licensee to the rights and
25 privileges of an elevator mechanic's license issued pursuant to this act. The
26 state fire marshal may renew an emergency elevator mechanic's license for
27 additional 60-day periods during the existence of an emergency. No fee
28 shall be charged for any emergency elevator mechanic's license or
29 renewal. The state fire marshal shall adopt rules and regulations governing
30 the determination of an emergency and as otherwise necessary to
31 implement this subsection.

32 (b) An elevator contractor shall notify the state fire marshal when
33 there are no licensed personnel available to perform work requiring an
34 elevator mechanic's license. The elevator contractor may request that the
35 state fire marshal issue temporary elevator mechanic's licenses to persons
36 certified by the licensed elevator contractor to have an acceptable
37 combination of documented experience and education to perform such
38 work without the direct and immediate supervision of another. Any
39 individual certified by an elevator contractor to have an acceptable
40 combination of documented experience and education to perform such
41 work without the direct and immediate supervision of another may
42 immediately seek a temporary elevator mechanic's license from the state
43 fire marshal and shall pay such fee as the state fire marshal shall

1 determine, except that such fee shall not exceed \$50. The state fire marshal
2 may issue the applicant a temporary elevator mechanic's license if the state
3 fire marshal finds that the requirements for temporary elevator mechanic's
4 licenses, as adopted in rules and regulations by the state fire marshal, have
5 been met. Each such license or renewal of such license shall recite that it is
6 valid for a period of 60 days from the date of issuance and while the
7 licensee is employed by the licensed elevator contractor that certified the
8 individual as qualified. Upon application to the state fire marshal, such
9 license may be renewed by the state fire marshal for additional 60-day
10 periods as long as the shortage of license holders shall continue, as
11 determined by the state fire marshal. The applicant shall pay such fee as
12 the state fire marshal shall determine, except that such fee shall not exceed
13 \$50. The state fire marshal shall adopt rules and regulations governing the
14 determination of whether a shortage of elevator mechanic's license holders
15 exists and as otherwise necessary to implement this subsection.

16 Sec. 13. (a) Except as provided in this subsection, the renewal of all
17 licenses granted under the provisions of this act shall be conditioned upon
18 the submission to the state fire marshal of a certificate of completion of a
19 course designed to ensure the continuing education of licensees on new
20 and existing provisions of the rules and regulations adopted by the state
21 fire marshal. Such course shall consist of not less than eight hours of
22 instruction that shall be attended and completed within the 12 months
23 immediately preceding any such license renewal application. The state fire
24 marshal may waive this requirement for renewals of emergency elevator
25 mechanics' licenses in the discretion of the state fire marshal if the state
26 fire marshal finds the applicant has not been reasonably able to attend such
27 a course due to circumstances arising as a result of the emergency.

28 (b) The continuing education courses shall be taught by instructors
29 through continuing education providers that may include, but shall not be
30 limited to, association seminars and labor training programs. The state fire
31 marshal shall approve the continuing education providers. All instructors
32 shall have been licensed pursuant to this act, be approved by the state fire
33 marshal and subject to annual renewals of their qualifications to instruct,
34 pursuant to rules and regulations adopted by the state fire marshal.
35 Instructors shall be exempt from the provisions of this section with regard
36 to employment, education or examination requirements for an application
37 for a license renewal under this section, provided that such instructor
38 provides documentation acceptable to the state fire marshal at the time an
39 application for license renewal would be otherwise required by this section
40 showing that such instructor was qualified as an instructor for any time
41 period during the one-year period immediately preceding the scheduled
42 date for such instructor's license renewal.

43 (c) A licensee who is unable to complete the continuing education

1 course required under this section prior to the expiration of such licensee's
2 license due to a temporary disability may apply for a waiver from the state
3 fire marshal. The application for waiver shall be on a form provided by the
4 state fire marshal that shall be signed under penalty of perjury and
5 accompanied by a certified statement from a competent physician attesting
6 to such temporary disability. Upon the state fire marshal's approval, a
7 waiver valid for 90 days shall be issued to such licensee and shall be
8 affixed to the license. Such waiver may be renewed in the same manner as
9 the original waiver application. Upon the termination of such temporary
10 disability, such licensee shall submit to the state fire marshal a certified
11 statement from the same physician, or another physician if the same
12 physician is not reasonably available, attesting to the termination of such
13 temporary disability.

14 (d) Approved continuing education providers shall keep uniform
15 records, for a period of 10 years, of the attendance of licensees following a
16 format approved by the state fire marshal. Such records shall be available
17 for inspection by the state fire marshal at the state fire marshal's request.
18 Approved continuing education providers shall be responsible for the
19 security of all attendance records and certificates of completion. Falsifying
20 or knowingly allowing another to falsify such attendance records or
21 certificates of completion shall constitute grounds for suspension or
22 revocation by the state fire marshal of the approval required under this
23 section to be a continuing education provider.

24 Sec. 14. (a) A license issued pursuant to this act by the state fire
25 marshal may be suspended or revoked, and the licensee subjected to a civil
26 penalty, in addition to any other penalties provided by law, by the state fire
27 marshal upon a finding by the state fire marshal that any one or more of
28 the following has been committed by the licensee:

29 (1) Any willfully false statement or willful omission as to a material
30 matter made in the process of securing a license or renewal of a license. A
31 material matter is a fact relevant to a question or line of inquiry in the
32 applicable application form or in additional inquiry of the applicant by the
33 state fire marshal that if made known to the state fire marshal could
34 constitute a basis for a denial of the application under this act or the rules
35 and regulations adopted by the state fire marshal.

36 (2) Fraud, misrepresentation or bribery in securing a license.

37 (3) Failure to notify the state fire marshal and the owner or lessee of a
38 conveyance when:

39 (A) Any conveyance is being operated in this state and such
40 conveyance is not in compliance with this act or not in compliance with
41 the rules and regulations adopted by the state fire marshal; and

42 (B) that such noncompliance was known to the licensee or reasonably
43 should have been known by the licensee.

1 (4) Violation of any provision of this act or the code.

2 (b) A license issued pursuant to this act by the state fire marshal may
3 be suspended or revoked upon a finding by the state fire marshal:

4 (1) That the licensee has entered a plea of guilty, nolo contendere, or
5 been convicted of a felony;

6 (2) that the licensee has failed to maintain any requirement, or has
7 failed to notify the state fire marshal of any material alteration or change
8 relating to any requirement, that is necessary to obtain or renew a license
9 under this act or under the rules and regulations of the state fire marshal
10 that is in nature a continuing requirement, including, but not limited to,
11 insurance requirements or a designated agent for service of process;

12 (3) that facts and circumstances exist, whether or not in violation of
13 provisions of this act or the rules and regulations of the state fire marshal,
14 that require suspension or revocation of the license to protect the safety of
15 the public, including, but not limited to, facts and circumstances going to
16 the competence, ability or fitness of the licensee to safely conduct the
17 work or activities permitted by the license in a manner that does not risk
18 the safety or well-being of co-workers, employees or the public; or

19 (4) in the case of an elevator inspector's license, that the elevator
20 inspector has performed duties incompetently, has demonstrated
21 untrustworthiness, has falsified any matter or statement contained in any
22 application or report, or has failed to report findings of any inspection
23 made by such elevator inspector to the state fire marshal as required by
24 this act. Such a suspension or revocation of certificate shall be effective as
25 soon as notice of the suspension or termination has been delivered to the
26 elevator inspector or the elevator inspector's employer.

27 (c) Except as otherwise provided in this act, no license shall be
28 suspended or revoked until after a written order issued by the state fire
29 marshal has been served to the licensee who committed the violation. Such
30 order shall state the violation, the penalty to be imposed and the right of
31 the person to request a hearing as provided in section 16, and amendments
32 thereto, and the Kansas administrative procedure act. The state fire
33 marshal may issue emergency orders, including, but not limited to,
34 immediate suspensions or revocations of a license, as provided by the
35 Kansas administrative procedure act, K.S.A. 77-536, and amendments
36 thereto.

37 (d) The state fire marshal shall adopt rules and regulations to
38 implement the provisions of this section.

39 Sec. 15. In addition to any other penalty provided by law, the state
40 fire marshal, upon finding that any owner, lessee or operator of a
41 conveyance, or owner or lessee of a building or structure in which a
42 conveyance is located, has violated, knowingly permitted a violation, or
43 negligently failed to detect, report or correct a violation of any of the

1 provisions of this act or any rule or regulation promulgated under the
2 authority of this act with regard to the construction, installation,
3 maintenance, inspection requirements or operation of a conveyance, is
4 authorized to impose a civil penalty not to exceed \$1,000 per violation for
5 each day of such unlawful operation or violation, which shall constitute an
6 actual and substantial economic deterrent to the violation for which the
7 penalty is assessed. No civil penalty shall be imposed pursuant to this
8 subsection, except upon the written order of the state fire marshal to the
9 person who committed the violation. Such order shall state the violation,
10 the penalty to be imposed and the right of the person to request a hearing
11 as provided in section 16, and amendments thereto. All fines assessed and
12 collected under this section shall be remitted to the state treasurer in
13 accordance with the provisions of K.S.A. 75-4215, and amendments
14 thereto. Upon receipt of each such remittance, the state treasurer shall
15 deposit the entire amount in the state treasury to the credit of the elevator
16 safety fee fund.

17 Sec. 16. (a) An individual, sole proprietor, firm, partnership,
18 association or corporation aggrieved by an order issued by the state fire
19 marshal pursuant to the provisions of this act, may request a hearing on
20 such order within 15 days from the date of the service of such order by
21 filing such request in writing with the state fire marshal. Such hearing shall
22 be conducted in accordance with the provisions of the Kansas
23 administrative procedure act. The filing of a request for a hearing shall not
24 abate or operate as a stay of the effect of an emergency order or an order to
25 cease and desist or a stop work order unless otherwise stated in such order.

26 (b) Except as otherwise provided, all administrative proceedings by
27 the state fire marshal under this act shall be conducted in accordance with
28 the provisions of the Kansas administrative procedure act.

29 (c) Judicial review and civil enforcement of agency actions under this
30 act shall be in accordance with the Kansas judicial review act.

31 Sec. 17. Within six months after July 1, 2019, the owner or lessee of
32 every existing conveyance shall register with the state fire marshal each
33 conveyance owned or leased and operated by them, giving the type, rated
34 load and speed, name of manufacturer, its location and the purpose for
35 which it is used and such additional information as the state fire marshal
36 may require in rules and regulations adopted by the state fire marshal.
37 Conveyances upon which construction has begun subsequent to the
38 effective date of this act shall be registered at the time they are completed
39 and placed in service.

40 Sec. 18. It shall be the responsibility of individuals, sole proprietors,
41 firms, partnerships, associations or corporations licensed under this act to
42 ensure that installation, service and maintenance of conveyances are
43 performed in compliance with the provisions contained in the state safety

1 and fire prevention act, K.S.A. 31-132 et seq., and amendments thereto.

2 Sec. 19. (a) No conveyance covered by this act shall be erected,
3 constructed, installed or altered within a building or structure unless a
4 valid permit is obtained from the state fire marshal and such permit is in
5 force before the work is commenced and any stop work order issued by the
6 state fire marshal is not in effect. Where any material alteration is made,
7 the conveyance shall conform to applicable requirements of the code. No
8 permit required by this section shall be issued except to a sole proprietor,
9 firm, corporation, partnership or other association holding a valid elevator
10 contractor's license duly issued pursuant to this act. A copy of such permit
11 shall be kept at the construction site at all times while the work is in
12 progress.

13 (b) A permit fee shall be determined by the state fire marshal pursuant
14 to rules and regulations to be adopted by the state fire marshal, except that
15 such fee shall not exceed \$400.

16 (c) An application for a permit shall consist of the following:

17 (1) Copies of specifications and accurately scaled and fully
18 dimensioned plans showing the location of the installation in relation to
19 the plans and elevation of the building;

20 (2) the location of the machinery room and the equipment to be
21 installed, relocated or altered;

22 (3) all structural supporting members, including foundations, and
23 shall specify all materials to be employed and all loads to be supported or
24 conveyed. Such plans and specifications shall be sufficiently complete to
25 illustrate all details of construction and design; and

26 (4) the applicable fee set by the state fire marshal pursuant to this
27 section.

28 (d) Permits may be revoked by the state fire marshal for the following
29 reasons:

30 (1) Any false statement or misrepresentation exists as to the material
31 facts in the application, or in the plans or specifications on which the
32 permit was based;

33 (2) the permit was issued in error and should not have been issued in
34 accordance with the act;

35 (3) the work detailed under the permit is not being performed in
36 accordance with the provisions of the application, or in the plans or
37 specifications on which the permit was based, or is not in accordance with
38 the code; or

39 (4) the elevator contractor to whom the permit was issued fails or
40 refuses to comply with a stop work order issued by the state fire marshal.

41 (e) Permits shall expire:

42 (1) If the work authorized by such permit is not commenced within
43 six months after the date of issuance, or within a shorter period of time as

1 the state fire marshal or the state fire marshal's duly authorized designee,
2 in the state fire marshal or designee's discretion, may specify at the time
3 the permit is issued; or

4 (2) if, after the work has been commenced, the work is suspended or
5 abandoned for a period of 60 days, or such shorter period of time as the
6 state fire marshal, in the state fire marshal's discretion, may specify at the
7 time the permit is issued.

8 For good cause, the state fire marshal or the state fire marshal's
9 designee may allow an extension of the foregoing periods at the state fire
10 marshal or designee's discretion.

11 Sec. 20. (a) All new conveyance installations shall be performed by a
12 licensed elevator contractor. Subsequent to installation, and prior to the
13 new conveyance being used, such licensed elevator contractor must certify
14 compliance with the applicable sections of the code to the state fire
15 marshal and complete and submit to the state fire marshal a request for a
16 certificate of operation.

17 (b) Prior to any conveyance being used, the property owner or lessee
18 must obtain a certificate of operation from the state fire marshal. The
19 property owner or lessee must submit a request for a certificate of
20 operation to the state fire marshal for conveyances installed prior to the
21 effective date of this act within six months after July 1, 2019.

22 (c) The certificate of operation fee for all new and existing platform
23 lifts and stairway chairlifts for private residences and any renewal
24 certificate fees shall be waived. The director of public works for the
25 county or city in which the residence exists, or such director's designee,
26 shall inspect in accordance with the code, before a transfer of ownership,
27 all newly installed platform lifts and stairway chairlifts for private
28 residences subsequent to an inspection by an elevator inspector. If the
29 residence exists in a county or city with no department of public works,
30 the state fire marshal or state fire marshal's designee shall inspect in
31 accordance with the code, before a transfer of ownership, all newly
32 installed platform lifts and stairway chairlifts for a private residence,
33 subsequent to an inspection by an elevator inspector. The state fire marshal
34 shall provide the owner of the private residence where the conveyance is
35 located with relevant information about conveyance safety requirements,
36 including, but not limited to, having the owner contact the state fire
37 marshal in order to ensure that the conveyance is periodically and timely
38 inspected and made safe before the permit for the conveyance expires. The
39 penalty provisions of this act shall not apply to private residence owners.

40 (d) A certificate of operation shall be renewable annually and shall
41 not be valid after the expiration of one year from the date of issuance,
42 except for certificates issued for platform lifts and stairway chairlifts for
43 private residences, which shall be valid for a period of three years and may

1 be renewed for subsequent three-year periods. Certificates of operation
2 must be clearly displayed on or in each conveyance or in the machine
3 room for such conveyance.

4 (e) The state fire marshal shall grant applications and renewal
5 applications for certificates of operation if the state fire marshal finds the
6 applicant has demonstrated to the state fire marshal's satisfaction that all
7 applicable rules and regulations adopted by the state fire marshal have
8 been met, the conveyance will be operated in accordance with the rules
9 and regulations of the state fire marshal, and operation of the conveyance
10 will not present a danger to the public. The state fire marshal shall
11 establish a fee schedule for initial and renewal applications for certificates
12 of operation, except such fees shall not exceed \$100.

13 (f) Except for private residence owners, it shall be the responsibility
14 of the owner of any new or existing conveyance located in any building or
15 structure to have the conveyance inspected annually by a licensed elevator
16 inspector. Subsequent to such inspection, the licensed elevator inspector
17 shall supply the conveyance owner and operator, the property owner or
18 lessee, and the state fire marshal with a written inspection report
19 describing any and all code violations. It shall be the responsibility of the
20 state fire marshal to enforce compliance. The owner of the conveyance
21 shall have 30 days from the date of the published inspection report to be in
22 full compliance by correcting such violations. The state fire marshal may
23 grant additional 30-day extensions of time if the state fire marshal
24 determines good cause has been shown and the safety of the public will
25 not be endangered.

26 (g) It shall be the responsibility of the owner of any conveyance to
27 have an elevator contractor conduct all required tests at the intervals
28 required in compliance with the code.

29 (h) All tests shall be performed by a licensed elevator mechanic.

30 Sec. 21. (a) Any person may make a request for an investigation into
31 an alleged violation of this act or the installation, servicing, maintenance
32 or operation of a conveyance that appears to place the public or persons
33 using such conveyance in danger by giving notice to the state fire marshal
34 of such violation or danger. Such notice shall be in writing, setting forth in
35 reasonable particularity the grounds for the notice and be signed by the
36 person making the request. The state fire marshal shall advise the person
37 making the request for an investigation that, upon request, such person's
38 name shall not appear on any copy of such notice or any record published,
39 released or made available to the public or the investigatee, except if
40 ordered by a court, and such person's name shall not constitute a public
41 record under the Kansas open records act.

42 (b) Upon receipt of such notification, the state fire marshal shall
43 cause to be made an investigation as soon as practicable, and to the extent

1 determined appropriate by the state fire marshal, to determine if such
2 violation or danger exists and may make such orders as the state fire
3 marshal deems necessary to avoid danger to the public during such
4 investigation. If the state fire marshal determines that there are no
5 reasonable grounds to believe that a violation or danger exists, the state
6 fire marshal shall notify the owner or lessee of the conveyance and the
7 person making the request in writing of such determination. If the state fire
8 marshal determines that a violation or danger exists, the state fire marshal
9 shall revoke the certificate of operation for such conveyance, make such
10 orders as the state fire marshal deems necessary to address the violation or
11 danger or take such other actions as provided by this act to address the
12 violation or danger.

13 Sec. 22. This act shall not be construed to relieve or lessen the
14 responsibility or liability of any person, firm or corporation owning,
15 operating, controlling, maintaining, erecting, constructing, installing,
16 altering, inspecting, testing or repairing any elevator or other related
17 mechanisms covered by this act for damages to a person or property
18 caused by any defect therein, nor does the state assume any such liability
19 or responsibility or any liability to any person for whatever reason by the
20 adoption of this act or any acts or omissions arising under the provisions of
21 this act.

22 Sec. 23. The state fire marshal or the state fire marshal's designee or a
23 licensed elevator inspector shall have free access, during reasonable hours,
24 to any premises in the state where conveyances are being operated,
25 repaired, installed or constructed for use in this state, except private
26 residences not used for business purposes, for the purpose of ascertaining
27 whether such conveyances have been constructed and installed or are
28 being maintained and operated in accordance with the provisions of this
29 act or the rules and regulations adopted by the state fire marshal or
30 whether there exists a danger to the safety of the public from such
31 conveyances.

32 Sec. 24. This act shall take effect and be in force from and after its
33 publication in the statute book.